

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

CASE NO. 6:21-CR-00190-DCJ

VERSUS

JUDGE DAVID C. JOSEPH

CHAD JON'DALE VOYLES

MAGISTRATE JUDGE STEVEN P.
SHREDER

AMENDED SCHEDULING ORDER

Counsel for Defendant, Chad Voyles, filed an UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS AND TO CONTINUE TRIAL [Doc. 37] on September 23, 2021, moving this Court to issue an Order for a continuance, and to set the case for trial as set forth below in this Scheduling Order. The Government does not object to the Defendant's request. The Court finds that the ends of justice served by granting this continuance outweigh the public's and Defendant's rights in a speedy trial. Accordingly, the deadlines are adjusted as follows:

Motions Deadline, Fed. R. Evid. 404(b) Notice, **December 21, 2021**
Fed. R. Evid. 413/414 Notice, and Expert Witness
Disclosure due on or before:

Responses/Motions in Limine due: **January 3, 2022**

Foreseeable Issues due: **January 14, 2022**

Voir Dire, Jury Instructions, and Trial Briefs due: **January 14, 2022**

The **pretrial conference** will be held by video conference before **Judge Joseph** on **January 21, 2022 at 3:30 p.m.** Attendance by trial counsel is required.

TRIAL is **SET** before **Judge Joseph** during the term commencing **February 22, 2022** at **9:00 a.m.** in Muskogee, Courtroom 1. The court will set aside four (4) days for trial.

The **plea deadline** is **January 7, 2022**. On or before this date, the defendant must either enter a guilty plea before a Magistrate Judge or email a written plea agreement signed by the defendant and all counsel to the trial judge's chambers at: joseph_motions@lawd.uscourts.gov by the close of business on that date. No guilty plea will thereafter be accepted by the Court except straight up to all counts.

Any request for subpoenas under Rule 17(b), by a defendant unable to pay, must be filed not less than two (2) weeks before trial. Any motions for writ of habeas corpus ad testificandum, to produce witnesses who are currently incarcerated, must be filed at least three (3) weeks before trial and must describe specifically why the testimony is necessary for an adequate defense. Late requests or motions may result in imposition of costs upon counsel personally.

Pretrial Conference

For discussion at the pretrial conference, counsel will file a list of **ALL** foreseeable issues that will arise on admissibility of evidence, burden of proof, whether any unusual or non-pattern jury charges are needed, and any other issues that can or must be dealt with in advance of trial. The purpose to be served is to eliminate, to the extent possible, delays during the course of the trial, and to permit advance preparation and research of issues expected to be raised at trial. The issue list will include counsel's opinion whether a pretrial hearing will be necessary to

resolve any of these foreseeable issues. Examples of such issues which may require a hearing are, but are not limited to:

1. Extrinsic evidence questions under Beechum;
2. Voluntariness of statements under 18 U.S.C. § 3501;
3. Admissibility questions, whether or not an evidentiary hearing would be required; or
4. Any other issue resolvable by a pretrial hearing.

The list of foreseeable issues should be filed by the close of business on **January 14, 2022**.

The following topics will also be discussed at the pretrial conference:

1. Estimated time required by each side to put on its case;
2. Marking of documents for identification;
3. Waivers of foundation of documents where possible;
4. Exchange of curriculum vitae of expert witnesses and/or stipulation of expert qualifications;
5. Pending discovery problems;
6. Consideration of making Jencks Act material available to the defendant prior to the testimony of all witnesses;
7. Jury instructions/voir dire problems; and
8. Any other relevant matter necessary for the smooth progress of the trial.


All counsel are requested to furnish this Court with suggested voir dire questions in addition to those regularly asked by the Court. Counsel should also

submit a set of requested jury instructions. Tenth Circuit Pattern Jury Instructions (West Publishing Co.) requested by the parties should be referenced only by their numbers. Each non-pattern instruction will be accompanied by a brief stating the statutory and/or jurisprudential authority for the instruction. Tenth Circuit authority is preferable. A simple case citation will not be sufficient. This information should be presented to the Court by close of business on **January 14, 2022**.

Other Requirements

A courtesy copy of all material required by this Scheduling Order should be submitted directly to chambers in order to facilitate prompt attention to all matters. Copies should be emailed to chambers at: joseph_motions@lawd.uscourts.gov.

THUS, DONE AND SIGNED in chambers on this 24th day of September 2021.



DAVID C. JOSEPH
UNITED STATES DISTRICT JUDGE